

Refugee Review Tribunal

AUSTRALIA

RRT RESEARCH RESPONSE

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This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions

- 1. Is there any information on whether there have been reprisals against former trafficked women who have paid off their debt and not informed on their traffickers?**
- 2. How well organised are the traffickers and would they have information that a person was not an informant in Australia?**
- 3. Regarding re-trafficking, is it correct to say that in Thailand there is no forced trafficking/kidnapping and that the consent of the woman to working in the sex industry is obtained?**
- 4. Is there any new country information to indicate that there has been an improvement in the level protection by state authorities from traffickers? Is so what protection can a trafficked woman reasonably expect?**
- 5. Question deleted.**

RESPONSE

- 1. Is there any information on whether there have been reprisals against former trafficked women who have paid off their debt and not informed on their traffickers?**

A search of the Tribunal's resources was unable to find any references to reprisals against former trafficked women who had paid off their debts and not informed on their traffickers. It has also been reported that "Finally, women at the end of their contracts are less "valuable" to traffickers, as profit has been extracted from them and they are no longer "new faces"" (Australian Centre For the Study of Sexual Assault 2005 *Trafficking in women for sexual exploitation*, June – Attachment 1).

- 2. How well organised are the traffickers and would they have information that a person was not an informant in Australia?**

There appears to be much variability in the different types of trafficking groups and the knowledge of an individual trafficker in relation to a trafficked woman would likewise be

variable. The number of women trafficked would also impact upon their ability to keep track on individual women. Some examples of the different types of traffickers and their operations were provided at the Parliamentary Inquiry into the trafficking of women for sexual servitude:

2.29 ... Detective Senior Sergeant McKinney from the Victoria Police, told the Committee, there are four or five traffickers in Sydney and two or three in Melbourne, competing against each other for the brothel business,

And they all know each other. . You will find that there are people here in Australia whose prime business is the recruitment of women. They get them here and then they disburse them once they are here.

2.30 This is borne out by the example of one brothel owner in Sydney who was offered trafficked women by four separate suppliers within just two weeks. However, the model is flexible: sometimes the traffickers both supply the women and operate the brothels, while more recently there have been examples of:

contract girls being offered to small investors, those investors then being responsible for finding work for them, getting them to and from work and making sure they don't run away.

2.31 Project Respect gave this description of the trade:

Some traffickers operate organised chains that cover the entire trafficking process – they recruit women in source countries and prostitute them in their own brothels (or through escort arrangements) in Australia. Other traffickers engage in only one part of the trafficking. For example, they may recruit women and bring them to Australia, and then sell them to another trafficker. This sale may be based on a 'pre-order', or involve traffickers coming to look at women once they are in Australia and picking the one/s they wish to buy. Some traffickers have many women, others may be .mum and dad. traffickers who buy a half share in a woman.

2.32 The centre for the sex trade using these trafficked women seems to centre on Sydney – as the gateway – and Melbourne and Perth, although other state capitals are certainly involved. Investigators have found that the trade is highly mobile, with women moved rapidly between premises and across states.

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2.34 ... As trans-national crime is organised around profit, a diverse array of loose knit criminal organisations or individuals may simply work together opportunistically motivated by material gain. Husbands, boyfriends, acquaintances, or family members may recruit and trade women into the international prostitution industry for profit, to repay debts or to support a family.

(Parliament of the Commonwealth of Australia 2004, *Inquiry into the trafficking of women for sexual servitude*, June – Attachment 2).

In terms of the number of trafficked women in Australia, two figures have been put forth that widely dramatically:

2.64 In Australia, Project Respect estimates that there are up to one thousand women in Australia under contract at any one time, an estimate they claim is supported by the findings of a six week research period, which documented the cases of approximately 300 individuals trafficked into Australia including a large number of women. This accords with confidential

evidence to the Committee suggesting that in Sydney alone, there are at least thirty trafficked women seeking to escape the sex industry.

2.65 Conversely, Scarlet Alliance present a much lower estimate, stating:

that there are less than 400 sex workers entering Australia in any one year on a contract, the majority of whom knowingly consent to the work. Our organisations have collectively had direct contact with less than ten women in the last year who have been deceptively recruited.

2.66 Similarly, the Australian Federal Police were only able to provide firm evidence of ten identified victims of slavery and sexual servitude to date.

2.67 The difference between these two estimates may be partly explained by differing definitions. In particular, it is likely that the key point of difference lies in the matter of 'informed consent'. As outlined above, Project Respect consider that the majority of women who entered contracts, although agreeing to work in the sex industry, were deceived as to conditions of work and the size of the contractual repayments. As such, they fit within the UN definition of trafficked women (Parliament of the Commonwealth of Australia 2004, *Inquiry into the trafficking of women for sexual servitude*, June – Attachment 2).

3. Regarding re-trafficking, is it correct to say that in Thailand there is no forced trafficking/kidnapping and that the consent of the woman to working in the sex industry is obtained?

The Parliamentary Inquiry into the trafficking of women took the following evidence on re-trafficking:

According to Project Respect, a specialist non-government organisation working to promote the human rights of women in the sex industry, most women trafficked to Australia come from South East Asia and China, with the majority from Thailand. However, there are also indications that women are at times trafficked from Europe and Latin America. Project Respect also has anecdotal evidence that following the recent publicity about trafficking in Thai women, fewer Thai women are being brought to Australia, being replaced with increasing numbers from South Korea and Malaysia. (Parliament of the Commonwealth of Australia 2004, *Inquiry into the trafficking of women for sexual servitude*, June – Attachment 2).

Ms Gallagher, a former adviser on trafficking to the UNHCR, gave evidence to the enquiry that:

Outright abduction is only very occasionally reported and often difficult to objectively verify.

Many women are re-trafficked, though without evidence that it is forcible:

Retrafficking

2.58 The final step in the trafficking cycle for women in Australia is to be re-trafficked under another contract, either to Australia or another country, especially if their contract is interrupted and they are sent home before they are able to make any money for themselves. Ms McMahon, of the Scarlet Alliance, told the Committee that:

We have spoken on the telephone through our services with young women who are in Villawood, and their first questions are: 'Will my passport have a stamp in it that

prevents me coming back? Do I have to get a new passport somehow if I want to come back? How long does it take to get deported before I can come back?' They are solely focused on coming back, even though they are in a contract.

2.59 As Mr McMahon, from DIMIA, noted, the women are also 'stuck with a fundamental problem: they have a large debt, and there is only one way they can deliver on that debt and that is to continue with prostitution.' Thus, women who are returned home are sometimes immediately taken to another country for the same purpose, or fraudulently trafficked back into Australia.

2.60 Ms Moyle, from the Human Rights and Equal Opportunity Commission, gave evidence that many women working on contract in Australia are here on a second or subsequent contract and may well have been re trafficked. A major motivating factor in this is the difficulty that women often have in returning to their homes:

from my contacts in South-East Asia, in the Mekong region particularly, it appears that a lot of the women are not able to be successfully repatriated on the programs that are available because they do not really lead to any general increasing acceptance of the women repatriating to their home communities. So there is really no place for them when they go back.

(Parliament of the Commonwealth of Australia 2004, *Inquiry into the trafficking of women for sexual servitude*, June – Attachment 2).

4. Is there any new country information to indicate that there has been an improvement in the level protection by state authorities from traffickers? Is so what protection can a trafficked woman reasonably expect?

The US Department of State reported on Thailand's activities concerning Trafficking:

The Government of Thailand does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The Thai Government showed progress in convicting traffickers and providing protection for victims of trafficking, although progress was not seen in efforts to address labor forms of trafficking.

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In 2005, the government reported 352 arrests and 74 convictions from cases filed in 2003 and 2004. Sentences handed down for trafficking cases remained light, with an average sentence of three years' imprisonment.

...

Protection

In 2005, the Thai Government continued to provide impressive protection to select categories of trafficking victims; others, such as male foreign victims of forced or bonded labor, received little or no protection. Government care for victims of sexual exploitation is provided only after the victims are identified by NGO or government social workers. The Thai Government operated 97 shelters throughout the country for abused women and children, six regional shelters exclusively for foreign trafficking victims, and a central shelter outside of Bangkok with capacity for over 500 foreign trafficking victims. Coverage of this network of shelters, however, is uneven as the northernmost shelter in Phitsanulok is too far to provide rapid and adequate victim services to key northern provinces such as Chiang Mai, Chiang Rai, and Phayao. A \$12.5 million fund was established in August 2004 by the Thai prime minister to care for victims of trafficking and to support anti-trafficking projects, but so far only \$2.5 million has been scheduled for expenditure (US Department of State 2006, *Trafficking in Persons Report*, June – Attachment 3).

The United Nations, through the Committee on the Elimination of Discrimination against Women, in its response to the Thai Government's formal submission, made the following comments about state protection of Trafficking victims:

Positive aspects

5. The Committee congratulates the State party for the measures carried out to combat trafficking in women and girls. It particularly welcomes the formulation of the National Policy and Plan on the Prevention and Suppression of Domestic and International Trafficking in Children and Women, and the establishment of the Operation Centre on Human Trafficking under the Ministry of Social Development and Human Security and the National Committee to Prevent and Suppress Human Trafficking. (Committee on the Elimination of Discrimination Against Women 2006 *Concluding Comments of the Committee on the Elimination of Discrimination against Women: Thailand*, 3 February – Attachment 4).

Though it also raised the following concerns in relation to trafficking:

28. The Committee calls upon the State party to expedite the adoption of the draft Prevention and Suppression of Human Trafficking Act and to ensure that offenders are punished and victims adequately assisted. It also recommends that the State party address the root cause of trafficking by increasing its efforts to improve the economic situation of women, thereby eliminating their vulnerability to exploitation and traffickers, as well as measures for the rehabilitation and social integration of women and girls who are victims of exploitation and trafficking. The Committee also calls upon the State party to implement measures aimed at combating sex tourism, including in cooperation with tourists' countries of origin

The Thai police have been undertaking raids of brothels:

It was a warm and sticky Friday night when investigators swooped into one of this provincial capital's back-street brothels searching for women and children trafficked from neighboring Burma. Within hours the raid was over, and the owner of the brothel was in police custody. Investigators say weeks of surveillance and covert visits paid off: six of the 29 women rescued were minors and more than half had been coerced into their work. But not everyone was relieved. Local migrant advocacy groups say the Chiang Mai raid, like other actions taken against human trafficking, had netted Burmese women voluntarily engaged in prostitution. Now, they say, those women may be worse off than before. These groups accuse the US-funded antitrafficking task force that led the raid of steamrolling women's rights and treating all sex workers as victims. "The women didn't feel like they were rescued because they lost their money.... They felt like they were trapped," says Hseng Nong, of the Shan Women's Action Network (SWAN), who interviewed ethnic Shan women detained in the raid. "Being forced to work physically is one thing, but these women were forced to work by their situation." ('THAILAND: Thailand Struggles to Halt Human Trafficking [News] 2003, Asia Child Rights website, 10 January <http://acr.hrschool.org/mainfile.php/0147/218/> – Accessed 9 November 2006 – Attachment 5)

The Human Trafficking website, which is supported by the US State Department, made the following report on Thailand, drawing on US State Department material:

Government Efforts

Thailand showed clear progress in applying greater law enforcement efforts to fighting trafficking and systematically screening hundreds of thousands of undocumented illegal migrants to identify and provide care for trafficking victims in their midst. The government also made modest progress in addressing widespread trafficking-related corruption within the

ranks of the police, immigration services, and judiciary. In November 2004, the Thai Government began a new, intensified effort to improve the vetting procedure used by the police and immigration authorities to identify trafficking victims. While reports suggest increased efforts by police and immigration officials to provide protection to trafficking victims, international organizations and NGOs continue to play an important role in screening of trafficking victims, especially underage victims found in street work. In 2005, the Thai Government increased its law enforcement efforts against trafficking.

...

The government continued to investigate rings associated with smuggling female citizens abroad. During the year a low-ranking policeman was sentenced to 10 years in prison for his role in trafficking a 14-year-old girl to Malaysia for sexual exploitation. In another case a Cambodian woman was sentenced to 85 years in prison for her part in trafficking eight women to a prostitution venue in Malaysia.

The Thai Government made minimal progress in reducing trafficking-related corruption in the police, immigration services, and judiciary. Law enforcement officials continued to be implicated in facilitating trafficking, but only one police officer was convicted and sentenced to ten years' imprisonment over the past year; prosecutions of 18 others fired in 2003 for complicity in trafficking continues. Thailand is not able to adequately control its long land borders.

Some local officials, immigration officers, and police reportedly either were involved in trafficking directly or took bribes to ignore it. Penalties vary according to the age of the victim and the method of trafficking.

Official corruption facilitating the most severe forms of trafficking in persons was generally at the low- and mid-levels. Police personnel were poorly paid and were accustomed to taking bribes to supplement their income. There was no evidence that high-level officials benefited from or protected the practice. Compromised local police protected brothels and other sex venues from surprise raids. Corrupt immigration officials assisted (both indirectly and directly) the movement of Burmese, Lao, and Chinese women and girls into the country. Officials found complicit in any part of the illegal economy rarely were prosecuted but instead were moved to positions thought to limit opportunities for future corruption ('Thailand' (undated) Human Trafficking website, <http://www.humantrafficking.org/countries/thailand> – Accessed 9 November 2006 – Attachment 6).

In July 2005, the Thai government launched a 24 Hour hotline to provide counselling and assistance for victims of trafficking ('24-hour Hotline Operational in Thailand' 2005 *Bangkok Post*, 28 July <http://www.humantrafficking.org/updates/95> – Accessed 9 November 2006 – Attachment 7).

In September this year the *Pattaya Daily* reported on a trafficked woman who had returned to Thailand, and pressed charges, and a civil suit, against her traffickers. The traffickers were sentenced to 13 years in jail, whilst the civil suit for damages is still pending. The trafficked woman died of cancer earlier this year ('Trafficked Thai woman seeks justice from the grave' 2006, *Pattaya Dailey News*, 4 September. <http://www.pattayadailynews.com/shownews.php?IDNEWS=0000001209> – Accessed 9 November 2006 – Attachment 8).

5. Question deleted.

List of Sources Consulted

Internet Sources:

Government Information & Reports

US Department of State <http://www.state.gov/>

United Nations (UN)

United Nations <http://www.un.org/>

International News & Politics

BBC News <http://news.bbc.co.uk>

Wikipedia http://en.wikipedia.org/wiki/Main_Page

Search Engines

Google <http://www.google.com.au/>

Yahoo <http://www.yahoo.com>

Copernic <http://www.copernic.com/>

Databases:

FACTIVA (news database)

BACIS (DIMA Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)

RRT Library Catalogue

List of Attachments

1. Australian Centre For the Study of Sexual Assault 2005 *Trafficking in women for sexual exploitation*, June.
2. Parliament of the Commonwealth of Australia 2004 *Inquiry into the trafficking of women for sexual servitude*, June.
3. US Department of State 2006 *Trafficking in Persons Report*, June.
4. Committee on the Elimination of Discrimination Against Women 2006 *Concluding Comments of the Committee on the Elimination of Discrimination against Women: Thailand*, 3 February.
5. 'Thailand: Thailand Struggles to Halt Human Trafficking' 2003 Asia Child Rights website, 10 January <http://acr.hrschool.org/mainfile.php/0147/218/> – Accessed 9 November 2006.
6. 'Thailand' (undated) Human Trafficking website, <http://www.humantrafficking.org/countries/thailand> – Accessed 9 November 2006.
7. '24-hour Hotline Operational in Thailand' 2005, *Bangkok Post*, 28 July <http://www.humantrafficking.org/updates/95> – Accessed 9 November 2006.
8. 'Trafficked Thai woman seeks justice from the grave' 2006, *Pattaya Dailey News*, 4 September. <http://www.pattayadailynews.com/shownews.php?IDNEWS=0000001209> – Accessed 9 November 2006.